



Thursday March 22, 2007

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**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No 43**

**Subject** Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 4 9 4(A) which requires 300 feet between a business that proposes to sell alcoholic beverages at 11220 North Lamar Boulevard ( Hong Duc Supermarket ) and a public school McBee Elementary School at 1001 West Braker Lane (Suggested date and time April 5 2007 at 6 00 p m Austin City Hall 301 W Second Street Austin TX )

**Fiscal Note** There is no unanticipated fiscal impact A fiscal note is not required

**Additional Backup Material**

(click to open)

- ☐ Staff Report
- ☐ Letters of Opposition
- ☐ Map

**For More Information** Steve Wilkinson 974 2657 Erica Eichert 974 2720

The owner of Hong Duc Supermarket Minh Duc Lu requests a waiver from the minimum distance requirement of 300 feet in Section 4 9 4(A) of the Austin City Code because he intends to sell alcoholic beverages at his supermarket which is located 234 feet from a public school McBee Elementary at 1001 West Braker Lane

Section 4 9 5 allows the City Council to waive the 300 foot distance requirement if they determine that the enforcement of the distance requirement in a particular instance

(1) is not in the best interest of the public (2) constitutes waste or the inefficient use of land or other resources (3) creates an undue hardship on the applicant (4) does not serve its intended purpose (5) is not effective or necessary or (6) for any other reason the council after consideration of the health safety and welfare of the public and the equities of the situation determines is in the best interest of the community

Written objections to the granting of the waiver have been received from Curtis E Shaw Director of Construction Management and McBee Elementary School